

Page



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/058,496	04/10/1998	JEFFREY H. MICHAUD	07844/273001	7535

21876 7590 07/23/2003

FISH & RICHARDSON P.C.
 500 ARGUELLO STREET
 SUITE 500
 REDWOOD CITY, CA 94063

EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
----------	--------------

2176

32

DATE MAILED: 07/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/058,496

Applicant(s)

MICHAUD ET AL.

Examiner

William L. Bashore

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12, 13, 15, 16, 20-22, 24, 25 and 28-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 9, 12, 13, 15, 16, 20-22, 24, 25, 28-36, 38-43, 45 and 46 is/are rejected.
- 7) ☒ Claim(s) 37 and 44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: RCE and pre-amendment, both filed 5/6/2003, to the original application filed 4/10/1998. IDS filed 7/19/1999, and 11/30/2000. No priority or provisional filing date is claimed.
2. Claims 37, 44 remain objected to by the examiner.
3. Claims 1-5, 7-9, 12-13, 20-22, 29-30, 35-36, 42-43 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit and White.
4. Claims 15-16, 24-25 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit, White, and Nielsen.
5. Claims 6, 28, 31-34, 38-41 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit, White, and Habermehl.
6. Claims 1-9, 12-13, 15-16, 20-22, 24-25, 28-46 are pending. Claims 45-46 have been added. Claims 1 and 5 are independent claims.

Continued Examination Under 37 CFR 1.114

7. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/6/2003 has been entered.

Allowable Subject Matter

8. **Claims 37, 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

Claim Rejections - 35 USC § 103

9. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1-5, 7-9, 12-13, 20-22, 29-30, 35-36, 42-43, 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit Imagemap Editing Software (hereinafter Mapedit), Version 2.3 for Windows 3.1, 1997 by Boutell.Com, Inc. URL: <http://www.boutell.com/mapedit>, pp.1-19, in view of White et al. (hereinafter White), U.S. Patent No. 6,034,689 issued March 2000.**

In regard to independent claim 1, Mapedit teaches user selection of various regions, as well as an image (artwork) containing non-transparent, as well as transparent regions within an image (Mapedit Figures 17, 18). Mapedit also teaches image mapping of a selected file (Mapedit Figure 9 paragraph 1,2). Mapedit does not specifically teach a graphic file containing layers, as claimed. However, Mapedit teaches the saving of edited overlapping (layered) image regions, providing the claimed equivalent of a layered graphics file (Mapedit Figures 17-19; compare with claim 1 "*A method comprising: receiving... a layer in an electronic artwork having a plurality of layers*", and "*in response to the input selecting a layer, identifying one or more regions in the selected layer as non-transparent regions in a transparent*

Art Unit: 2176

frame”). It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret the above teachings as inputting image-mapped (layered) graphics files, providing Mapedit the benefit of reopening and editing such files.

Mapedit teaches portioned areas of a graphic file, with a specific URL assigned to each portion so as to activate a URL when an area is selected. Mapedit also teaches a non-transparent region defining a hot spot region, as well as user selection of a region, as well as an image containing non-transparent, as well as transparent regions within an image (Mapedit Figures 4, 5, 10, 17, 18; compare with claim 1 *“defining an area in the selected layer... more non-transparent regions in the selected layer;”* and *“assigning an action to the area, the action defining a function that is to be activated when the area is selected.”*).

Mapedit does not specifically teach defining an area by automatically determining a perimeter boundary. However, White teaches automatic rescaling of an image map area subsequent to resizing of a Web page to fit different display areas (White column 15 lines 24-37; compare with claim 1 *“defining an area in the selected area based on a perimeter boundary”*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of White to the method of Mapedit, because of White’s taught advantage of scaling, providing a way for Mapedit to create imagemaps for different presentation mediums by automatically defining image map boundaries subsequent to changes in size of an imagemap.

Mapedit teaches an image map, whereby a selected region (area) is selected, resulting in an action mapped from said region corresponding to a portion of an image (Mapedit Figure 17; compare with claim 1 *“associating the area and the action with the selected layer as a property of the selected layer in the electronic artwork”*).

In regard to dependent claim 2, Mapedit teaches a method of assigning a URL to a selected region (Mapedit Figure 5).

In regard to dependent claim 3, Mapedit teaches compositing of images (Mapedit Figure 17; compare with claim 3 “*compositing the layers of the artwork*”).

In addition, Mapedit teaches a method of converting a hotspot area along with associated URLs to an HTML file format (Mapedit Figure 16; compare with claim 3 “*converting the area and the action to a target output format.*”).

In regard to dependent claim 4, Mapedit teaches a method of converting a hotspot area along with associated URLs to an HTML file format (Mapedit Figure 16).

In regard to independent claim 5, claim 5 reflects the computer program product comprising computer readable instructions used for implementing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 7 and 8, claims 7 and 8 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 3 and 4, respectively, and are rejected along the same rationale.

In regard to dependent claim 9, Mapedit teaches a method whereby a mapped image is presented (Mapedit Figure 17). Mapedit does not specifically teach the saving of a composited image as an image file. However, since Mapedit teaches the presentation and saving of an image with different mapped layers, with both said image and said layers reproducible within the Mapedit editor environment, it would have been obvious to one of ordinary skill in the art at the time of the invention to save said layers as an image file, because of Mapedit’s taught advantage of the presentation and saving of layers with images.

Art Unit: 2176

In addition, Mapedit teaches a method of saving an HTML file including an associated graphics file and a hotspot with associated URLs (Mapedit Figures 2, 16).

In regard to dependent claim 12, Mapedit teaches a method whereby areas of edited graphic file are portioned with a specific URL assigned to each bounded portion so as to activate a URL when an area is selected, said area of bounded portion displayed in reverse color when activated (Mapedit Figures 4, 5, 10). Mapedit does not specifically teach a method of conforming the area automatically to content of the selected layer subsequent to editing of said layer. However, White teaches the rescaling of an image map area subsequent to the resizing of a web page to fit different display areas (White column 15 lines 24-37; compare with claim 12 *"conforming the area automatically to content of the selected layer"*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of White to the method of Mapedit, because of White's taught advantage of scaling, providing a way for preserving an image map subsequent to changes in size of the the edited imagemap method as taught by Mapedit.

In regard to dependent claim 13, Mapedit teaches the calculation of dynamic content for a selected layer before the area is calculated, since it is known in the art that currently edited information is considered dynamic information until saved, Mapedit's calculation and formulation of hotspots is based upon dynamic content, prior to saving.

In regard to dependent claims 20, 21, 22, claims 20, 21, 22 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 11, 12, 13, respectively, and are rejected along the same rationale.

In regard to dependent claim 29, Mapedit teaches an artwork graphic as an image file, as well as an HTML file with image map and URL (Mapedit Figure 2).

In regard to dependent claim 30, Mapedit teaches an action as a URL (Mapedit Figure 5).

In regard to dependent claim 35, Mapedit teaches determination of a perimeter of a non-transparent region, the area of which is assigned a hyperlink (Mapedit page 5).

In regard to dependent claim 36, Mapedit teaches creation of circular region 1, said region remaining unassigned to a hyperlink, with another circular region 2 created and defined as a superset of region 1, with said region 2 assigned an address of the USPTO home page (Mapedit pages 20-21). As the imagemap becomes active, the unassigned circular region 1 becomes a "hole" (an unassigned region) within the perimeter of the USPTO circular region 2 (Mapedit pages 22-23), yet is still part of the area of the overall circular region 2.

In regard to dependent claims 42, 43, claims 42, 43 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 35, 36, respectively, and are rejected along the same rationale.

In regard to dependent claims 45-46, Mapedit does not specifically teach defining an area by automatically determining a perimeter boundary. However, White teaches automatic rescaling of an image map area subsequent to resizing of a Web page to fit different display areas (White column 15 lines 24-37; compare with claim 1 "*defining an area in the selected area based on a perimeter boundary*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of White to the method of Mapedit, because of White's taught advantage of scaling,

Art Unit: 2176

providing a way for Mapedit to create imagemaps for different presentation mediums by automatically defining image map boundaries subsequent to changes in size of an imagemap.

11. **Claims 15-16, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit and White as applied to claims 1 and 5 above, and further in view of Nielsen, U.S. Patent No. 5,991,781 issued November 1999.**

In regard to dependent claim 15, claim 15 incorporates substantially significant subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Mapedit teaches multiple hot spot regions within an image (Mapedit Figure 5; compare with claim 15 “*the selected layer has two or more non-contiguous*”, and “*...in a transparent frame*”). Mapedit does not specifically teach the inclusion of two or more non-transparent regions. However, Nielsen teaches at least two non-transparent regions (Nielsen Figures 1b, 11; compare with claim 15 “*...non-transparent...*”). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of Nielsen to the method of Mapedit, because of Nielsen’s taught advantage of non-transparent images, providing an alternate way to show regions within an image.

In addition, Mapedit teaches multiple hot spot regions within an image, said regions can encompass the entire image (Mapedit Figure 5; compare with claim 15 “*the area defined....regions in combination*”).

In regard to dependent claim 16, claim 16 incorporates substantially significant subject matter as claimed in claim 15, and in further view of the following, is rejected along the same rationale.

Mapedit teaches a method whereby multiple image maps can be defined in different areas of an image (Mapedit Figure 4; compare with claim 16 line 2, “*generating multiple image maps*”).

In regard to dependent claims 24-25, claims 24-25 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 15-16, respectively, and are rejected along the same rationale.

12. **Claims 6, 28, 31-34, 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit and White as applied to claim 1 above, and further in view of Habermehl, U.S. Patent No. 5,956,701 issued September 1999.**

In regard to dependent claim 6, Mapedit teaches a method of creating a polygon-shaped area on a graphics file by creating boundaries via a mouse, said boundaries created until an enclosed polygon is created, said area within said enclosed polygon reverses color when subsequently activated via said mouse (Mapedit Figure 5, 10, 12). Mapedit does not specifically teach calculating hot spot areas by utilizing perimeter boundaries. However, Habermehl teaches defining hot spot areas taking into account the boundaries of an area, said defining accomplished via neural net (Habermehl column 3 lines 35-40, Figures 3, 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Habermehl to Mapedit, because of Habermehl's taught advantage of calculating areas, providing a way for defining portions of an image using fewer inputs and less redundancy to Mapedit (Habermehl column 2 lines 59-61).

In regard to dependent claim 28, claim 28 reflects the method comprising computer readable instructions used for implementing the computer program as claimed in claim 6, and are rejected along the same rationale.

In regard to dependent claims 31-34, Mapedit teaches user selection of a shape (ie. circle, rectangle, polygon) Mapedit page 8; compare with claims 31-34).

Art Unit: 2176

In regard to dependent claims 38-41, claims 38-41 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 31-34, respectively, and are rejected along the same rationale.

Response to Arguments

13. Applicant presents no arguments. Accordingly, no response by the examiner is deemed necessary at the present time.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 11:30 AM to 8:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on (703) 305-9792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Art Unit: 2176

15. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7239 (for formal communications intended for entry)

or:

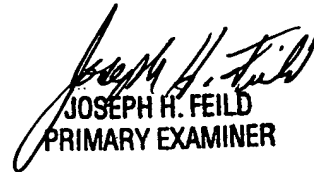
(703) 746-7240 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

or:

(703) 746-7238 (for after-final communications)

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).**

William L. Bashore
July 21, 2003


JOSEPH H. FEILD
PRIMARY EXAMINER